

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
APRIL 26, 2012
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Denise Martin
James Stevens
Judge Burris
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Sheriff Jenkins
Robert M. Clark
Steve Johnson
Ed Cobbler
Bob Graham

BOARD MEMBERS ABSENT

Sheriff Ashe

STAFF PRESENT

Anthony Bonapart - Deputy Director
Denise Stanford – Attorney
Phillip Stephenson – Field Services Supervisor
Judy Pittman - Training Officer
Joyce McClure - Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

Gary Pastor
Nick Nicholson
David Pettingell
Greg Hatten
William Roemer
Warren Hall
Jeff Cathcart
Mark Wohlneck
Kevin Hession
Greg Mason
Mark Harvey

Jeff Kiker
David Arndt
John Pettingell
Terry Spencer
Jason Vasilko
Mark Zudell
Jack Keener
Frederick Stipe
Jeff Huggins
Leroy Everhart

John Walters
Bill Dover
Jon Knowles
Walter Pylypiw
Steve Anders
Donald Fowler
Susan Dispensa
Timothy Sauer
Michael Faust
Dorian Dehnel

Chairman Richard Allen called the April 26, 2012 Private Protective Services Board meeting to order at 9:30 AM. Mr. Allen welcomed all guests.

Attorney Denise Stanford explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Gary Pastor, President of NCAPI, greeted the Board and all of the guests. He said the association is currently working on many projects including the NCAPI Fall Conference to be held in October in the Hickory area. He stated that the conference would offer 12 hours of continuing education credits to the attendees. Mr. Pastor announced that at the March Spring Conference, there were 64 attendees.

The Association has 6 members that attended the Hit The Hill Campaign in Washington DC, on April 17, 2012. The purpose of the meeting is to provide legislators with the industry's opinion on upcoming proposed regulations.

APPROVAL OF THE FEBRUARY 23, 2012 MEETING MINUTES

**MOTION BY MR. JONES TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. CLARK; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Pleasant reported that the Screening Committee met on Wednesday, April 25, 2012 from 2:25 PM until 6:15 PM to review a total of 68 applications.(see report). Committee members were, Mrs. Pleasant, Mr. Johnson, Sheriff Ashe, Mr. Clark, Ms. Martin, and Mr. Cobbler. Mrs. Pleasant read the report for the record.

Mrs. Pleasant presented the following registration report for the period of February 20, 2012 through April 23, 2012. Total registrations 3723; armed totals were 625 of which 190 were new, 378 were renewals, 1 duplicate and 56 reissue/dual. There were 10 renewals of Private Investigators armed permit, 3 new Private Investigator and 0 new Private Investigator Associate armed permits. Unarmed totals were 3085 which included 1198 new, 1702 renewals, 167 transfers, 5 duplicates and 13 reissues/dual. Total denials 810 of which 228 were for cause and 582 for correctable. There were 752 applications approved which were previously denied for a total of 1562 denials reviewed.

It was noted that Mr. Monty Clark recused himself on Mr. Joshua Ruiz and Mr. Jason Speller.

**MOTION BY JUDGE BURRIS TO ACCEPT THE SCREENING REPORT AND THE
REGISTRATION REPORT; SECONDED BY MR. DONALDSON; MOTION CARRIED.**

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Committee met on Wednesday, April 25, 2012 from 8:00 AM until 2:10 PM., and heard a total of twelve cases. The committee members were Judge Burris, Mr. Donaldson, Mr. Jenkins, Mr. Stevens, Mr. Graham, Mr. Booth and Mr. Jones. Judge Burris presented the attached report. (See attachment)

**MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT;
SECONDED BY MRS. PLEASANT; MOTION CARRIED.**

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday, April 26, 2012 from 8:00AM. until 9:00 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson and Mrs. Pleasant.

Mr. Stevens read the course schedule. The following trainer courses are scheduled:

May 7-11, 2012	UG Course & Workshop	WTCC
June 4, 2012	FT Re-certification Course	NCJA

The above listed courses are posted on the PPSB website.

Presently we have 362 certified PPS unarmed guard trainers and 99 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

February 27, 2012(1000-2300)	FT Re-certification Course	NCJA
March 5-9, 2012 (0800-1700)	UG Course & Workshop	WTCC
April 9-13, 2012 (0800-1700)	FT	NCJA

The following PPS Training Courses for CEU Credits have been conducted:

March 14, 2012 Greensboro, NC

The following PPSB Training Courses for CEU Credits have been scheduled:

June 28, 2012 Asheville, NC 1pm-5pm

August 1, 2012 Charlotte motor Speedway, Concord, NC 9am-1pm

Mr. Stevens reviewed the following topics that were discussed in the Training and Education meeting that was held just prior to the Board meeting. Mr. Stevens reported on the training courses that were completed and the newly scheduled classes which are listed on the website.

Mr. Stevens stated that the attendance for the class that was held in Greensboro was 25 attendees.

Mr. Stevens reviewed the report regarding the accidental weapons discharges by Templar Guard that had been discussed at the Training and Education meeting.

The Board discussed a training issue at the unarmed guard instructor training class regarding students scoring below 65% on written test.

MOTION BY MR. JOHNSON TO ACCEPT RECOMMENDATION OF SUBCOMMITTEE; IF STUDENT SCORES BELOW 65% ON WRITTEN TEST, THEY ARE NOT ALLOWED TO RETEST; SECONDED BY MR. CLARK; MOTION CARRIED.

Mrs. Pleasant stated that the following courses have been approved: Background Investigation Using Free Internet Sources, Technical Surveillance Operations, Report Writing, Trespassing, Video, Camera Surveillance, GPS Tracking, Social Media Investigation, Insurance Fraud Investigation, Prevention of Violence in Workplace, Armored Vehicles Defensive Tactics, Economic Crimes and Identity Theft Investigation.

The following courses were denied: Google to the Max, Web Site Evaluation, Mobile Broadband Mastery, and Free Software via Internet, and Private Company Business Research Using Internet.

MOTION BY MR. JOHNSON TO ACCEPT THE RECOMMENDATIONS OF THE SUBCOMMITTEE; SECONDED BY MR. BURRIS; MOTION CARRIED.

Mrs. Pleasant states that the committee received 2 grants application one from Central Piedmont Community College and the second from South Piedmont Community College. Central Piedmont Community College presented a grant proposal in which they would be partnering with the Metro Special Police Security to provide a course on Digital Forensics. The Committee decided not to recommend the grant proposal at this time due to license of Metro Security being suspended by the Grievance Committee. She will contact Piedmont Community College regarding the suspension of the license.

The Board discussed the grant application from South Piedmont Community College who will be teaching several courses at two locations, Anson County and Union County. They are requesting the amount of \$4109.70 for the grant.

MOTION BY MRS. PLEASANT TO ACCEPT THE GRANT APPLICATION AND PROCEED WITH AWARING SOUTH PIEDMONT COMMUNITY COLLEGE \$4109.70; SECONDED BY MRS. MARTIN; MOTION CARRIED.

Mrs. Pleasant reported on the time table for grants that had been discussed at the Training and Education meeting. She stated that the committee would like to have a longer feed-back period for an individual who applies for grants which will allow the committee time to review it and will give the writer enough time to resubmit their application if needed. Also, the committee would like to open the next grant period today. The grant application will be due on September 1, 2012.

MOTION BY MRS. PLEASANT TO CHANGE THE GRANT PROCESS AND ANNOUNCED THAT THE NEW GRANT PERIOD BE OPENED TODAY AND THE GRANT APPLICATION WILL BE DUE ON SEPTEMBER 1, 2012. THE GRANT WILL

BE AWARDED AT THE OCTOBER BOARD MEETING; SECONDED BY MR. CLARK; MOTION CARRIED.

The pricing of firearms trainer courses were discussed and decided that there be a fixed cost for the Pre-Qualification course and Re-Qualification and to defer the issue regarding instructor training course.

MOTION BY MR. JOHNSON TO ACCEPT THE FLAT FEE OF \$50.00 FOR PRE-QUALIFICATION AND RE-QUALIFICATION COURSE; SECONDED MR. STEVENS; MOTION CARRIED.

Mrs. Pleasant reported on the conference call that was held to discuss Private Investigator Associate's who live in North Carolina but have an out of state sponsor. She stated that there are guidelines in place already regarding the supervision of Private Investigator Associates and asked the industry for their feed-back on this matter. **At this time the guidelines that are in place are sufficient to address any issues regarding the responsibility of the sponsor.**

MOTION BY JUDGE BURRIS TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT :

The Grievance Committee meeting will be held on August 28, 2012 with one session at 8:00 a.m. and the other session at 1:30 p.m.

SCREENING COMMITTEE REPORT: NONE

74C REWRITE COMMITTEE: NONE

FINANCE COMMITTEE : NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

FINAL AGENCY DECISIONS

Attorney Denise Stanford removed herself as counsel to the Board to present the following cases.

The Board received the official record for the following case:

Joshua O. Brown, 11-DOJ-11590. Mr Brown was present. This case involved the denial of the petitioner's application for an Unarmed Guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Joe Webster proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the unarmed security guard registration.

**MOTION BY JUDGE BURRIS TO GRANT HIS UNARMED REGISTRATION .
SECONDED BY MR. JOHNSON. MOTION CARRIED.**

Joland Hancock Beverly - 11 DOJ 13034 - This case was heard by Administrative Law Judge Donald W. Overby on December 13, 2011. Judge Overby dismissed the contested case without prejudice for Petitioner failing to prosecute the case. Ms. Beverly was present at the Board meeting. No action was taken by the Board.

Roy R. Carpenter - 11 DOJ 11547 - This case was heard by Administrative Law Judge Joe Webster on November 29, 2011. Mr. Carpenter was not present at the Board meeting. This case involved the denial of the petitioner's application for an armed registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

**MOTION BY MR. JOHNSON TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY;
SECONDED BY JUDGE BURRIS. MOTION CARRIED.**

Mary Rhenee Freedle - 11 DOJ 08430 - This case was heard by Administrative Law Judge Donald W. Overby on December 13, 2011. Judge Overby dismissed the contested case without prejudice for Petitioner failing to prosecute the case. Ms. Freedle was not present at the Board meeting. No action was taken by the Board.

Charles Hubert Beatty - 11 DOJ 08757 - This case was heard by Administrative Law Judge Donald W. Overby on December 13, 2011. Judge Overby dismissed the contested case without prejudice for Petitioner failing to prosecute the case. Mr. Beatty was not present at the Board meeting. No action was taken by the Board.

Ernest A. Rhyne - 11 DOJ 11546 - This case was heard by Administrative Law Judge Joe Webster on November 29, 2011. Mr. Rhyne was not present at the Board meeting. This case involved the denial of the petitioner's application for an unarmed registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

The Board deferred this matter until the June 28, 2012 meeting.

David Len Nealy - 12 DOJ 00761 - This case was heard by Administrative Law Judge Joe Webster on February 28, 2012. Mr. Nealy was not present at the Board meeting. This case involved the denial of the petitioner's application for an unarmed registration based on the Petitioner committing an unlawful assault.

**MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S INITIAL DECISION AND
GRANTS THE UNARMED REGISTRATION; SECONDED BY MR. DONALDSON;
MOTION CARRIED.**

ATTORNEY'S REPORT:

Ms. Stanford reported on the following consent agreements:

Daniel A. Bellino consent agreement in the amount of \$1,122.00 due on March 29, 2012 for 11 registration violations has not been paid. A follow up letter has been sent.

Lucien Guy Morin, II consent agreement in the amount of \$5,120.40 due on March 29, 2012 for 49 registration violations has not been paid. A follow up letter has been sent.

An injunction action was filed against Joseph D.White and J.D.W. Enterprizes, Inc. on January 26, 2012. Both Mr. White and the corporation consented to enjoin. A copy of the Consent Order is attached. If the consent order is violated, the parties can be held in contempt of court with the possibility of sanctions, which could include the imposition of fines by the court and jail time for Mr. White.

12 NCAC 7D .0201, .0203, .0701, .0801, .0806, and .0902 - These rules have been filed and approved by Rules Review Commission.

The following rule changes were noticed in the April 2, 2012 NC Register:

12NCAC 7D .0105 amends to delete oleoresin capsicum spray

12NCAC 7D .0902 and .0904 amendments to require applicants for firearms trainer certificates and renewals of firearms trainer certificates to obtain a criminal record check from the current Board approved criminal record check provider for any out of state address histories.

Revisions to the trainer certification rules to allow trainers to train applicants for armored car service guard registration.

12NCAC 07D .0912 this is the amendment to require unarmed trainers to send to the Board training officer all rosters of classes taught during the current unarmed trainer certification period.

12NCAC 07D .1106 amendment to allow the Board to consider any practical experience gained prior to the application date.

12 NCAC 07D .1108 repeal of the grandfather clause.

A public hearing was held on the rule changes on April 17, 2012. No one attended the public hearing. The comment period for these rules ends on June 1, 2012.

12 NCAC 07D.0107 amending the rule to set a statute of limitations for Board disciplinary action to violations occurring within three years of the initiation of the Board investigation of such violation. This rule change was noticed in the January 17, 2012 NC register. A hearing was held on the rule on February 2, 2012. The comment period ended on March 19, 2012. This rule is before the Board for adoption.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .0107; SECONDED BY MR. STEVEN; MOTION CARRIED.

The following are recommended rule changes:

Amendment to 12 NCAC 07D .0102 to update the Board's address.

Adoption of 12 NCAC 07D .0114 G.S. 93B-2 sets out certain board reporting requirements. Failure of a board to comply with the reporting requirements by October 31 of each year shall result in a suspension of the Board's authority to expend any funds until such time as the board files the required reports. Each board must adopt rules establishing a procedure for implementing this requirement and must maintain an escrow account into which any fees tendered during a board's period of suspension shall be deposited. A copy of G.S. 93B-2 is also attached.

MOTION BY JUDGE BURRIS TO GO FORWARD WITH THE RULES; SECONDED BY MR. JONES; MOTION CARRIED.

Board resolution, the Board adopted a policy allowing the transfer of the application fee from the Private Investigator application within sixty days as long as the fingerprint card and fingerprint card application fee was resubmitted within the sixty day period. A copy of this resolution for the Boards consideration was attached.

The Board decided to defer until the next meeting in order to amend the language on this resolution.

MOTION BY MR STEVENS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The current PPS budget as of March 31, 2012 has a balance of \$658,463.65; the Education Fund balance is \$54,064.40. As of April 23, 2012, the total registrations for PPS is 16,989, 1913 licensees, 590 certifications.

Deputy Director Bonapart noted that there has been a total of 3169 various correspondence printed from the PPS database, and 4050 applications received since the last Board meeting.

MOTION BY MR. JOHNSON TO ACCEPT THE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY MR. CLARK; MOTION CARRIED.

12:08 p.m. Adjourned

Anthony Bonapart, Deputy Director

Garcia Graham, Reporter